IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 658 OF 2005
IN
PIL WRIT PETITION NO.409 OF 2004

1. Fazlur Rahman Mohammad Hussain & Anr] .. Petitioners

Versus

1. The State of Maharashtra & 11 ors.] .. Respondents

Mr. S.P. Srivastava for the petitioners/applicants

Mr. K.R. Belosey, officiating G.P. for respondents No.1, 4, 9 - 12.

Mr. T.N. Subramanian, senior counsel with Mr. R.C. Shah i/b Mr. J.B. Patel for respondent No.2.

Mr. S.G. Surana for respondents No.5 and 6.

Mr. H. Toor i/b M/s. Crawford Bayley & Co. for the applicant in Notice of Motion No.357 of 2006.

CORAM: R.M. LODHA &
S.A. BOBDE, JJ.

DATED: O5TH OCTOBER, 2006

P.C. :

. We heard the counsel for the petitioner and the senior counsel for respondent No.2.

2. In opposition to the Notice of Motion an Affidavit in reply has been filed by respondent No.2.

3. Paragraph 5 of the said Affidavit reads thus:

> "5. I say that as on today the construction of rehabilitation building as per Slum Rehabilitation Scheme have been completed and possession of all rehabilitation tenements except 30 tenements have been given in accordance with the provisions of D.C. Regulation 33(1)). As far as sale building is concerned, the construction of same has been completed and third party rights in respect of sale building are created and possession of various tenements in the sale building have already been handed over to respective purchasers of the said tenements. As far as construction of MHADA building is concerned in respect of two wings 90% construction work is completed and in respect of third wing construction work has already been started. As far as construction of BEST Bus Depot is concerned, the work has already been started. However, the work has not been completed in view of the fact that MHADA has to vacate 30 of their tenants to enable the Respondent No.2 to complete the work."

4. We are informed by the senior counsel for respondent No.2 that after the aforesaid statement was made in the Affidavit dated 8th March, 2006, all obligations have been discharged by the respondent No.2 except the construction of Bus Depot. The senior counsel submits that the Bus Depot shall be fully constructed within fifteen months from today. We accept the statement.

5. In view thereof, we are satisfied that no interim relief deserves to be granted to the petitioners.

. Notice of Motion is dismissed accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]